



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

Office of the
Chief Counsel

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MAR 12 2004

Mr. Christopher Jones
Director
State of Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43216-1049

Dear Mr. Jones:

Thank you for your letter concerning the efforts of the Ohio Environmental Protection Agency to assure that its regulations on the transportation, shipping papers, and packaging of infectious wastes are consistent with the requirements in the Federal hazardous material transportation law, 49 U.S.C. § 5101 et seq., and the Hazardous Materials Regulations (HMR), 49 C.F.R. Parts 171-180. I am particularly gratified that the discussions between my staff and Ann Wood of your office were productive and helpful, and that we have been able to clarify that:

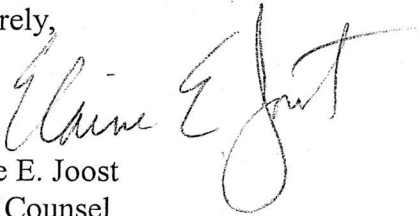
—The U.S. Department of Transportation regulates the transportation of infectious substances, including regulated medical waste, as a hazardous material, and these materials are not hazardous wastes regulated by the U.S. Environmental Protection Agency.

—The State of Ohio has adopted the HMR as State requirements applicable to the highway transportation of hazardous materials, Ohio Admin. Code 4901:2-5-02, so that separate regulations of the Ohio EPA on transporting infectious waste would be in addition to (and potentially in conflict with) those State requirements as well as Federal hazardous material transportation law and the HMR.

—Requirements in the HMR for transporting regulated medical waste were revised in a final rule that took effect on February 14, 2003, 67 Fed. Reg. 53118 (Aug. 14, 2002), revision to effective date, 67 Fed. Reg. 54967 (Aug. 27, 2002), correction, 67 Fed. Reg. 57635 (Sept. 11, 2002). A copy of that final rule is enclosed. You should be aware that the present requirements in the HMR may be amended in the near future to adopt revisions to the international standards for the transportation of infectious substances in the 13th revised edition of the United Nations Recommendations on the Transport of Dangerous Goods (2003).

My staff will be happy to continue to work with your office to assure that the Ohio EPA regulations on transporting medical waste do not conflict with the Federal hazardous material transportation law and the HMR. If you have any further questions, please feel free to contact me or Frazer Hilder of my staff, at 202-366-4400.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elaine E. Joost". The signature is written in dark ink and is positioned above the printed name and title.

Elaine E. Joost
Chief Counsel

Enclosure